

ORIG.

2016

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ABDUS-SALAM YACIK

(Enter above the full name of the plaintiff in this action)

COMPLAINT

v.

Civil Action No. 05cv3901(JBS)

(To be supplied by the Clerk of the Court)

LEWIS HANNAH

RECEIVED

AUG 4 2005

AT 8:30
WILLIAM T. WALSH
CLERK

(Enter above the full name of the defendant or defendants
in this action)

INSTRUCTIONS -- READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$250.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

6. If you cannot prepay the \$250.00 filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth below. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

The Prison Litigation Reform Act of 1996 ("PLRA"), effective April 26, 1996, has made significant changes to the in forma pauperis statute, 28 U.S.C. § 1915. The statute no longer provides for waiver of court filing fees for prisoners who are granted leave to proceed in forma pauperis. A prisoner who is granted leave to proceed in forma pauperis is not required to pay the filing fees in advance, but the prisoner is obligated to pay the entire filing fee in installment payments regardless of the outcome of the proceeding. This obligation to pay the filing fee continues even if the prisoner is transferred to another prison. Therefore, before submitting this application to the Clerk of the Court, a prisoner should consider carefully whether he or she wishes to go forward with the action.

The PLRA obligates prisoners who are granted in forma pauperis status to pay the entire filing fee in the following manner, regardless of the outcome of the litigation. 28 U.S.C. § 1915(b)(1) and (2). The agency having custody over the prisoner shall deduct from the prisoner's institutional account and forward to the Clerk of the Court (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to the prisoner's institutional account each month the amount in the account exceeds \$10.00, until the \$250.00 filing fee is paid. 28 U.S.C. § 1915(b)(1) and (2). However, a prisoner who has no assets and no means by which to pay the initial partial filing fee will not be prohibited from bringing a civil action. 28 U.S.C. § 1915(b)(4).

Each prisoner plaintiff who desires to proceed in forma pauperis must submit the following to the Clerk of the Court:

- a. a completed, signed, and dated application to proceed in forma pauperis (attached hereto); and
 - b. a certified copy of your prison account statement for the 6-month period immediately preceding submission of this application, listing the account balance and all deposits into the account. A prison account statement must be obtained from the appropriate official of each prison at which you are or were confined during the preceding 6 months.
7. If your application to proceed in forma pauperis does not conform to these instructions, you will be notified by letter of the nature of the deficiencies. If these deficiencies are not cured within 120 days of the date of the letter, the complaint will be deemed withdrawn, the Clerk's file will be closed, and no fees will be assessed against you.
8. If you are given permission to proceed in forma pauperis, the Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete

so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1. Jurisdiction is asserted pursuant to (CHECK ONE)

 42 U.S.C. § 1983 (applies to state prisoners)

✓ Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

ARTICLE III SECTION 2 UNDER THE UNITED STATES CONSTITUTION.

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

- a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

- b. Court and docket number: _____

- c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted

- d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? MONMOUTH COUNTY CORR. INS.

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: ARIUS-SALAM MALIK

Address: MONMOUTH COUNTY CORR. INS.

ONE WATERWORK ROAD, FREEHOLD N.J. 07728

Inmate #: _____

b. First defendant -- name: LEWIS HANNAH

Official position: ATTORNEY AT LAW

Place of employment: 1315 WALNUT ST. SUIT 1632, PHIL. PA. 19107

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

LEWIS HANNAH DENIED ME THE COMPLAINTEE A
RIGHT TO THE FOURTH + FIFTH AMENDMENT BY
EXCEPTING MY COMPLAINT OF THE FOURTH AMENDMENT
VIOLATIONS EXECUTED BY THE CAMDEN COUNTY
PROSECUTOR'S OFFICE AND HOLDING THIS INFORMATION
FOR A PERIOD OF TWO YEARS. THEN RESIGNING
FROM THE CASE WITH NO LOGICAL EXPLANATION.

FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT

c. Second defendant -- name: _____

Official position: _____

Place of employment: _____

How is this person involved in the case?

(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

____ Yes ☒ No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

BECAUSE I EXHAUSTED MY REMEDIES THROUGH LEWIS
HANNAH MY REPRESENTATIVE, WHO DID NOT PROPERLY
STAND ON HIS OBLIGATIONS. THEREFORE, I AM SEEKING
RELIEF THROUGH YOUR JURISDICTION.

VI.
STATEMENT OF CLAIMS

1. ON APRIL, 2003. I, ABDUS-SALAAM MALIK, CAME TO MR. LEWIS HANNAH AND EXPLAINED THAT MY HOME HAS BEEN INVADED AND THAT I THE COMPLAINTEFF WAS PHYSICALLY BEAT-DOWN SERIOUSLY BY SPECIAL LAW ENFORCEMENT AGENTS AND CAMDEN COUNTY POLICE OFFICERS. THEN MR. HANNAH INFORMED THE COMPLAINTEFF THAT HE WAS ENTITLED TO FILING A CIVIL ACTION, UNDER THE 4TH AMENDMENT VIOLATIONS. MR. HANNAH ALSO STATED THAT HE WOULD BE MORE THAN WILLING TO REPRESENT THE COMPLAINTEFF ON THESE MATTERS WITH FULL SATISFACTION.
2. MR. HANNAH THEN EXPLAINED TO THE COMPLAINTEFF, THAT THERE WOULD BE NO COST OF FEE FROM HIM UNTIL THE CASE IS SETTLED. THEN MR. HANNAH PRODUCED A FORM OF ATTORNEY'S FEE, WHICH STATES THAT AN ATTORNEY IS ENTITLED TO $\frac{1}{3}$ OF ANY COMPASATORY JUDGEMENTS.
3. MR. HANNAH SUGGESTED TO THE COMPLAINTEFF TO TURN OVER ALL OF THE MATERIALS TO HIS OFFICE CONCERNING THE MATTER. WHICH WERE, PHOTOGRAPHS OF THE COMPLAINTEFF'S INJURIES,

PROPERTY DAMAGES AND ALL MEDICAL BILLS, WHICH AMOUNTED UP TO \$10,000.

4. IN AUGUST, 2004.

MR. HANNAH HAD CAME TO VISIT ME AT THE FEDERAL DETENTION CENTER IN PHILADELPHIA, EXPLAINING TO THE COMPLAINTEE THAT EVERYTHING WAS BEING HANDLED AND ALREADY PROCESSED.

5. IN MARCH, 2005.

I THE COMPLAINTEE RECEIVED A LETTER FROM MR. HANNAH STATING THAT HIS OFFICE WILL NO LONGER BE REPRESENTING HIS CIVIL ACTION WITHOUT ANY REASON. SO COMPLAINTEE HAS CONSTANTLY BEEN WRITING MR. HANNAH AND REQUESTING FOR HIS OFFICE TO KINDLY RELEASE ALL OF THE DOCUMENTS, PHOTOGRAPHS, MEDICAL BILLS CONCERNING THE CIVIL ACTION CASE TO THE COMPLAINTEE'S BROTHER'S ADDRESS. WHICH ARRIVED IN JUNE, 2005.

6. I THE COMPLAINTEE HAS BEEN WAITING ABOUT TWO YEARS, WHILE SUFFERING THROUGH MENTAL-STRESS AND PHYSICAL PAIN OF CONSTANT HEADACHES, NECK INJURIES AND LOWER BACK PROBLEMS DUE TO THE VIOLATIONS THAT WAS CAUSED BY THE SPECIAL LAW ENFORCEMENT AND CAMDEN

POLICE OFFICERS.
WHO'S NAMES MR. HANNAH REFUSES TO
RELEASE.

7. MR. HANNAH ABSOLUTELY VIOLATED THE
LAWS OF BEING A CIVIL ATTORNEY, BY
DELIBERATELY FAILING TO FULFILL HIS
OBLIGATIONS TO THE COMPLAINTEE AS
PROMISED.

VII. RELIEF REQUESTED

1. A DECLARATORY JUDGEMENT THAT THE
DEFENDANT ACTS, POLICIES AND
PRACTICES DESCRIBED HEREIN THIS
COMPLAINT VIOLATES COMPLAINTEE RIGHTS
UNDER THE UNITED STATES CONSTITUTION.
2. COMPENSATORY DAMAGES IN THE AMOUNT
OF FIVE-HUNDRED THOUSAND DOLLARS
(\$500,000) IN LIEU OF LAWFUL MONEY
FROM THE DEFENDANT.
3. PUNITIVE DAMAGES IN THE AMOUNT
OF FIVE-HUNDRED THOUSAND DOLLARS
(\$500,000) IN LIEU OF LAWFUL MONEY
FROM THE DEFENDANT.
4. JURY TRIAL ON ALL ISSUES TRIAL BY JURY.

5. COMPLAINTEE'S COST OF THIS SUIT.
6. SUCH OTHER RELIEF AS THIS COURT
DEEMS JUST, PROPER AND EQUITABLE.
7. I, ABDUS-SALAAM MALIK, DECLARE UNDER
THE PENALTY OF PERJURY AND UNDER THE
LAWS OF THE UNITED STATES OF AMERICA;
THAT THE FACTS CONTAINED IN THIS
COMPLAINT ARE, TO THE BEST OF MY
KNOWLEDGE AND BELIEF, TRUE, CORRECT,
COMPLETE AND NOT MISLEADING, THE
TRUTH AND NOTHING BUT THE TRUTH.

RESPECTFULLY SUBMITTED

Abdus-S. Malik

LEWIS P. HANNAH
Attorney at Law

1315 Walnut Street
Suite 1326
Philadelphia, PA 19107
(215)-735-7701
Fax (215)-735-7703

NEW JERSEY OFFICE:
112-114 North Third Street, 2nd Floor
Camden, NJ 08102
(856)-641-1232

Please respond to: Philadelphia

August 28, 2003

Abdus-Salaam Malik
541 Grant Street
Camden, NJ 08102

Re: Civil Rights Action

Dear Mr. Malik:

This letter serves to notify you that this office represents you in a Civil Rights Action against the Camden City Police Department.

Kindly contact my office if you have further questions or concerns.

Very truly yours,



Lewis P. Hannah

LPH/mm

cc: Cheryl D. Annis, Senior Probation Officer

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)


8. Do you request a jury or non-jury trial? (Check only one)

(☒) Jury Trial

(☐) Non-Jury Trial

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26TH day of JULY, 2005.


Medw-S. Mlk
Signature of plaintiff¹

Sworn to and subscribed
before me this
26th day of JULY, 2005

Joseph A. Spedaliere
JOSEPH A. SPEDALIERE
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 10/29/2006

¹ EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.